

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7735 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
BHARWAD BHANUBHAI CHELABHAI

Versus

DISTRICT SUPPLY OFFICER

-----  
Appearance:

MR KB PUJARA for Petitioner

MR KT DAVE, Ld. AGP for Respondent No. 1, 2, 3, 4

-----  
CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 07/10/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. K.T. Dave,  
Ld. A.G.P. for the respondents.

2. Short grievance of the petitioner in this petition is that the impugned order dated 8/9/1997 has been passed after the whole of the procedure with regard to allotment of fair price shop authorisation was completed and after the petitioner is alleged to have

complied with all the requirements. The impugned order dated 8/9/1997 inter-alia speaks about taking of decision afresh under the circumstances set out in the said communication. It further says that the decision is for the present postponed and is to be taken afresh.

3. I have heard the learned advocate for the petitioner as well as the Id. A.G.P. for the State. The stand of the respondents in the affidavit in reply is that the decision taken in favour of the petitioner is suspended temporarily because certain priorities in respect of the cooperative societies are required to be taken into consideration after the audit report is produced. It is clear from the impugned decision as well as from the affidavit in reply that the decision for allotment of fair price shop authorisation pursuant to the process, which has already been undertaken is postponed and has not been cancelled. Hence, in the facts of the case, following direction is issued :-

The concerned authorities of the respondents, as and when they have an occasion to take decision with regard to allotment of fair price shop authorisation in question, will consider the case of the petitioner alongwith other applicants, will permit them to produce any other material if necessary for consideration of their case and hear the petitioners and other applicants before taking the decision. The authorities will take decision in accordance with law and the rules governing allotment of fair price shop authorisation.

Subject to this direction, rule is discharged.

No order as to cost. DSP.

PVR. \* \* \*